

1
2 RESOLUTION 89-18

3 RESOLUTION ADOPTING THE
4 CALIFORNIA HOUSING FINANCE AGENCY'S REGULATIONS
5 REGARDING MINORITY AND WOMEN BUSINESS PARTICIPATION GOALS
6 FOR BOND SERVICES AND CONTRACTS

7 WHEREAS, the California Housing Finance Agency (the
8 "Agency") through its Board of Directors (the "Board") is
9 authorized to adopt rules and regulations governing the Agency;
10 and

11 WHEREAS, the Board has determined that the proposed
12 regulation regarding Minority and Women Business Participation
13 Goals to Bond Services and Contracts attached hereto are
14 necessary and appropriate for adoption by the Agency.

15 NOW, THEREFORE, BE IT RESOLVED by the Board of
16 Directors as follows:

- 17 1. The attached regulations regarding Minority and Women
18 Business Participation Goals for Bond Services and
19 Contract, incorporated herein by reference, are hereby
20 adopted.
- 21 2. The staff is directed to give public notice, conduct
22 any required public hearing and take such other action
23 as may be required by law for the adoption by the
24 Agency of such regulations.

25 I hereby certify that this is a true and correct copy of
26 Resolution 89-18 adopted at a duly constituted meeting of the
27 Board of Directors of the California Housing Finance Agency held
on May 11, 1989 at San Francisco, California.

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ATTEST: 
Secretary

Attach.

Article 2 is added to Chapter 1, Part II, Title 25 of the Administrative Code to read:

Article 2. Minority and Women Business Participation
Goals for Bond Services and Contracts

10100. Authority and Purpose

This article is adopted pursuant to Section 51050(e) of the California Health and Safety Code in order to implement Sections 50955, 51050 (f) and (k) as they relate to state policy relative to goals for minority and women business participation in bond services and other contracts awarded by the California Housing Finance Agency.

Authority: Section 51050(e), Health and Safety Code

Reference: Sections 50051, 50052, 50955, 51050(e), (f), (k), and (o), and 51358 of the Health and Safety Code

10101. Definitions

(a) Any term defined in Chapter 2, Part 1, Division 31 of the Health and Safety Code shall have the same meaning when used in this article as is given to it by said chapter unless further or otherwise defined hereafter in this section.

(b) "Bonds" means bonds, notes, warrants, certificates of participation, and other evidences of indebtedness issued by or on behalf of the agency.

(c) "Contract" means any agreement between the agency and any individual, firm, corporation or partnership for the providing of labor, material, supplies, equipment and services, including but not limited to services of financial advisers, bond counsel underwriters, underwriter's counsel, financial printers, and other services related to the issuance and sale of bonds, which is entered into by the agency.

(d) "Contractor" means any individual, firm, corporation or partnership who submits a bid and enters into a contract with the agency.

(e) "Goal" means the annual percentage of the dollar value of all contracts awarded by the agency to minority and women business enterprises as provided in Section 10102.

(f) "Minority" means an ethnic person of color including American Indians, Asians (including but not limited to, Chinese, Japanese, Koreans, Pacific Islanders, Samoans, and Southeast Asians), Blacks, Filipinos, and Hispanics.

(g) "Minority business enterprise" means a contractor that is all of the following:

(1) At least 51 percent owned by one or more minorities, or in the case of a publicly owned business, at least 51 percent of the stock of which is owned by one or more minorities.

(2) Managed by, and the daily business operations are controlled by, one or more minorities.

(3) A domestic corporation with its home office located in the United States, which is not a branch or subsidiary of a foreign corporation, firm or other business.

(h) "Women business enterprise" means a business concern that is all of the following:

(1) A sole proprietorship owned by a woman or is a firm or partnership, 51 percent of the stock or partnership interests of which are owned by one or more women.

(2) Managed by, and the daily business operations are controlled by, one or more women.

(3) A sole proprietorship, corporation, or partnership with its home office located in the United States.

(i) "Minority business enterprise" and "women business enterprise," include an enterprise of which 50 percent is owned and controlled by one or more minorities and the other 50 percent is owned and controlled by one or more women or, in the case of a publicly owned business, 50 percent of the stock of which is owned and controlled by one or more minorities and the other 50 percent is owned and controlled by one or more women. Any business enterprise so defined may be counted as either a minority business enterprise or a women business enterprise for purposes of meeting the goals defined in this article, but no one such business enterprise shall be counted as meeting goals in both categories.

Authority: Section 51050(e) of the Health and Safety Code

Reference: Sections 50051, 50052, 50955, 51050(e), (f), (k), and (o), and 51358 of the Health and Safety Code

10102. Goal

It shall be the goal of the agency to award not less than 15 percent of its contracts to minority business enterprises and 5 percent to women business enterprises each calendar year.

Authority: Section 51050(e) of the Health and Safety Code

Reference: Sections 50051, 50052, 50955, 51050(e), (f), (k), and (o), and 51358 of the Health and Safety Code

10103. List of Qualified Enterprises

The General Counsel of the agency shall certify and maintain a list of qualified minority and women business enterprises which are qualified to contract with the agency and shall monitor relations between such contractors and the agency. Any contractor requesting to be added to this list shall furnish such additional information as may be requested by the General Counsel in order to determine whether such contractor qualifies as defined in this article.

Authority: Section 51050(e) of the Health and Safety Code
Reference: Sections 50051, 50052, 50955, 51050(e), (f), (k), and (o), and 51358 of the Health and Safety Code

10104. Reports

Beginning on July 1, 1989, and on January 1, 1990, and on January 1 of each year thereafter, the agency shall report the level of minority and women business enterprise participation in its contracts to the Governor and the Legislature.

Authority: Section 51050(e) of the Health and Safety Code
Reference: Sections 50051, 50052, 50955, 51050(e), (f), (k), and (o), and 51358 of the Health and Safety Code

10105. Validity of Bonds

Nothing in these regulations shall in any manner affect the validity of bonds issued by the agency as provided in Part 3 of Division 31 of the Health and Safety Code.

Authority: Section 51050(e) of the Health and Safety Code
Reference: Sections 50051, 50052, 50955, 51050(e), (f), (k), and (o), and 51358 of the Health and Safety Code